

Message Text

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ACTION EA-13

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LIMDIS

E.O. 11652: GDS

TAGS: EGEN, PFOR, MASS, RP

SUBJECT: FORTHCOMING US-GOP NEGOTIATIONS

REF: MANILA 3768

1. I SPENT ANOTHER NIGHT AND DAY WITH PRES. MARCOS APRIL 4 AND 5, DISCUSSING US-PHIL NEGOTIATIONS. AGAIN, THIS EXERCISE WAS BUILT AROUND A CRUISE IN THE YACHT, WATER-SKIING, SWIMMING, PELOTA, AND CLOSE HARMONY SINGING SESSIONS WITH IMELDA. THIS TIME, HOWEVER, WE WERE ACCOMPANIED BY TEAMS OF EXPERTS WHO CARRIED ON THE BULK OF THE DISCUSSIONS. ON PHIL SIDE WERE SECRETARY OF DEFENSE ENRILE, SECRETARY OF INDUSTRY PATERNO, SECRETARY OF AGRICULTURE TANCO, AND SEVERAL SUB-CABINET PEOPLE. ON U.S. SIDE, WE HAD ARNOLD, BUTLER, ANGEVINE AND CHURCHILL.

2. AT THIS SESSION GOP PRODUCED THE TEXT OF A PHIL DRAFT AER TREATY, WHICH WILL BE SENT BY SEPARATE MESSAGE. WHILE IT IS CLEARLY INADEQUATE FROM U.S. POINT OF VIEW, IT IS ALSO CLEARLY NEGOTIABLE, AND GENERALLY COVERS THE TERRAIN IN
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WHICH WE ARE INTERESTED.

3. PHILS, HOWEVER, PROVED RELUCTANT TO PROVIDE US WITH ACTUAL DRAFTS OF DECREES THEY PROPOSE TO ISSUE ON RETAIL TRADE, PROPORTIONAL REPRESENTATION ON BOARDS, ANTI-DUMMY PROVISIONS, AND CONTRACTS. MARCOS TOLD ME HIS ADVISORS FELT THAT LETTING US PASS ON THE ADEQUACY OF PHIL DRAFTS WAS UNWARRANTED INVOLVEMENT IN PHIL INTERNAL AFFAIRS. HE HAS UNDERTAKEN, INSTEAD, TO PROVIDE US SYNOPSES OF WHAT THE DECREES WILL ACTUALLY SAY. WE SHOULD HAVE THESE BY MONDAY, APRIL 8.

4. SIMILARLY, ON MILITARY BASE TENURE AND REVISIONS OF THE MUTUAL DEFENSE ASSISTANCE AGREEMENT, WE WILL GET CONCEPTUAL PAPERS RATHER THAN EXPLICIT DRAFTS. THESE WILL, OF COURSE, BE SUBJECT TO MORE DETAILED DISCUSSION IN BILATERAL PANEL MEETINGS WHICH ARE NOW SCHEDULED TO OPEN APRIL 15.

5. A GREAT DEAL OF TIME, BOTH BETWEEN MARCOS AND MYSELF, AS WELL AS BETWEEN THE TEAMS OF EXPERTS, WAS SPENT ON THE QUESTION OF REAL ESTATE AND LAND TITLES. WHILE SOME USEFUL CONCEPTS WERE EXAMINED, PARTICULARLY ON RESIDENTIAL LAND AND FORESHORE LEASES, THERE SEEMS GOOD REASON TO DOUBT THAT WE ARE GOING TO GET A DEFINITIVE AND SATISFACTORY SETTLEMENT OF THIS ISSUE PRIOR TO JULY 3.

6. THEREFORE, WE EXAMINED IN SOME DETAIL A FORMULA WHICH WILL SUSPEND ALL ACTION WITH RESPECT TO LAND WHILE PRESERVING AMERICAN RIGHTS, TITLES, AND INTERESTS IN THE LAND,. MARCOS PROPOSED AN ARRANGEMENT WHICH, IN MY JUDGMENT, WOULD HAVE CONCEDED THE LAPSE OF TITLES ON JULY 3 AND WOULD OTHERWISE HAVE INVOLVED MERELY A POSTPONEMENT OF ESCHEAT. I DECLINED TO ACCEPT THAT ARRANGEMENT AND INSISTED THAT THE SUSPENSE WOULD HAVE TO BE WITHOUT PREJUDICE TO U.S. POSITION THAT TITLES STILL VALID. WE THEREFORE AGREED IN PRINCIPLE THAT WE WOULD SEEK A FORMULA WHICH WOULD BASE THE SUSPENSE UPON A MUTUAL AGREEMENT BETWEEN THE TWO GOVERNMENTS.

7. IN A "PLENARY SESSION" WITH OUR RESPECTIVE STAFFS AFTER WE REACHED THE FOREGOING AGREEMENT IN PRINCIPLE, MARCOS ANNOUNCED WHAT HAD BEEN CONCLUDED AND WAS IMMEDIATELY
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CHALLENGED BY PONCE ENRILE. ARNOLD PROVIDED PRESIDENT WITH CITATIONS OF CONSTITUTIONAL SUPPORT FOR WHAT HE HAD AGREED AND THE PRESIDENT STUCK BY HIS GUNS. BOTH SIDES NOW HAVE OUR LAWYERS WORKING ON THIS FORMULA AND WE WILL ALSO BE CONSULTING OVER THE WEEKEND WITH AMERICAN BUSINESS COMMUNITY. WHETHER THIS CONCEPT CAN BE MADE TO STICK TO SATISFACTORY FORM IS, IN MY JUDGMENT, STILL UP IN THE AIR.

8. SEPARATE CABLES WILL FOLLOW GIVING FURTHER DETAILS OF OTHER ASPECTS OF OUR TALKS. THERE WILL BE BRIEF HIATUS OVER WEEKEND AS PRESIDENT AND SEVERAL MEMBERS OF HIS CABINET GO INTO RELIGIOUS RETREAT AT OPENING OF HOLY WEEK. HOWEVER, SMALL GROUP HEADED BY PATERNO WILL REMAIN IN MANILA TO WORK ON VARIOUS ASPECTS AND WE SHOULD RESUME BILATERALLY AT SOME LEVEL ON MONDAY, APRIL 8. I EXPECT TO SEE MARCOS NEXT ON TUESDAY, APRIL 9, WHEN WE GO, TOGETHER WITH SECRETARY BUTZ, TO MOUNT SAMAT TO COMMEMORATE BATAAN DAY.

9. COMMENT: MARCOS PERSONALLY SEEMS TO WANT TO ARRANGE A NON-CONTENTIOUS RESOLUTION OF ISSUES AT STAKE. HE IS SOMEWHAT HARRIED BY CHAUVINISM AT VARIOUS STAFF LEVELS. HOWEVER, FACT HE HAS CHOSEN NON-CHAUVINIST PATERNO AS HIS PRIMARY INTERLOCUTOR WITH US AUGURS BETTER THAN WE MIGHT HAVE EXPECTED A FEW WEEKS AGO.
SULLIVAN

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